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|---|----------------------------------|--------------------------|----------------------------------|--|
| <b>AMENDMENT TRANSMITTAL LETTER</b>       |                                  |                          | Docket No.<br>SPINE 3.0-452 CONT |  |
| Application No.<br>10/715,965-Conf. #5392 | Filing Date<br>November 18, 2003 | Examiner<br>P. Philogene | Art Unit<br>3732                 |  |

Applicant(s): James D. Ralph and Thomas N. Troxell

Invention: SPACER DEVICE AND INSERTION INSTRUMENT FOR USE IN ANTERIOR CERVICAL FIXATION SURGERY

**TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

| CLAIMS AS AMENDED  |                                  |                                |                             |         |               |
|--|----------------------------------|--------------------------------|-----------------------------|---------|---------------|
|  | Claims Remaining After Amendment | Highest Number Previously Paid | Number Extra Claims Present | Rate    |               |
| Total Claims   | 23                               | - 20 =                         | 3                           | x 50.00 | 150.00        |
| Independent Claims   | 2                                | - 3 =                          |                             | x       |               |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> |                                  |                                |                             |         |               |
| Other fee (please specify):  |                                  |                                |                             |         |               |
| <b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>                          |                                  |                                |                             |         | <b>150.00</b> |

- ☒ Large Entity ☐ Small Entity
- ☐ No additional fee is required for this amendment.
- ☒ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \$ 150.00.  
A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 12-1095 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

Michael J. Doherty  
Michael J. Doherty  
Attorney/Agent Reg. No.: 40,592

Dated: January 11, 2007

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 518-6337

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: January 11, 2007

Signature: Michael J. Doherty

(Michael J. Doherty)



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Dated: January 11, 2007

Signature: Michael J. Doherty

(Michael J. Doherty)

Docket No.: SPINE 3.0-452 CONT  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Ralph et al.

Application No.: 10/715,965

Filed: November 18, 2003

For: SPACER DEVICE AND INSERTION  
INSTRUMENT FOR USE IN ANTERIOR  
CERVICAL FIXATION SURGERY

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:  
: Group Art Unit: 3733  
:  
: Examiner: Not Yet  
Assigned

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

In response to the Office Action mailed September 19, 2006, Applicants submit the following amendments and remarks.